

rights of persons residing in the Province as well as with the rights of the Crown in the right of the Province, the enactment of the proposed section 92 be not proceeded with or at least be deferred until the Judicial Committee of the Privy Council has passed upon the validity of the Quebec Vacant Property Act.

J. J. FRAWLEY,
of Counsel for the Attorney General for Alberta.

Edmonton, Alberta, 19th June, 1944.

In re:

BILL 91

AN ACT RESPECTING BANKS AND BANKING

SUBMITTED ON BEHALF OF THE ATTORNEY-GENERAL OF QUEBEC
AS TO SECTION 92 OF BILL 91

1. Paragraphs 3, 4, 5 and 7 of Section 92 introduce suggested new legislation that provide for the transfer of unclaimed deposits to the Bank of Canada after ten years and the liability to repay the same by the Bank of Canada to the creditors entitled thereto.

2. The Provinces are vitally interested in this matter, and the Province of Quebec more particularly by reason of its statute intituled "An Act Respecting Certain Vacant Property Without an Owner", enacted in 1939 as 3 Geo. VI, Chapter 28, now embodied in Section 7 of Chapter 102 of the Revised Statutes of Quebec 1941, whereby are deemed to be vacant property and without an owner belonging to His Majesty in the rights of the Province of Quebec deposits which for a period of thirty years or more have not been the subject of any operation or claim by the persons entitled thereto.

3. The Province of Manitoba enacted similar legislation in 1940: The Vacant Property Act.

4. At the present moment there is pending before the Privy Council litigation between the Attorney-General for the Province of Quebec and the Attorney-General of Canada over the matter of unclaimed deposits. The Attorney-General of Quebec under the provincial legislation before mentioned brought suit against the Bank of Montreal claiming delivery and payment of all the unclaimed bank deposits within the Province of Quebec held by the Bank of Montreal for over thirty years. The Bank of Montreal contested and the Attorney-General of Canada intervened on the ground that the provincial legislation was ultra vires as being an interference with the powers of the Federal Government under Section 91 of the British North America Act. The Superior Court of the Province of Quebec held the provincial legislation intra vires, within Section 92 of the British North America Act, the matter being one of Property and Civil Rights in the Province. This judgment was confirmed in the Court of King's Bench, Appeal Side, on June 29, 1943. The Attorney-General of Canada subsequently gave notice of appeal to the Privy Council and the matter is there pending until such time as war conditions allow counsel to go overseas for hearing.

5. A similar question arose in Manitoba and was finally decided by unanimous judgment of the Supreme Court in 1943 *in re* Provincial Treasurer of Manitoba vs. Minister of Finance for Canada holding the Manitoba Vacant Property Act intra vires as dealing with Property and Civil Rights in the Province.